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NOTES ON MUNICIPAL GOVERNMENT.

[This department of the *ANNALS* will endeavor to place before the members of the Academy matters of interest which serve to illustrate the municipal activity of the larger cities of Europe and America. Among the contributors are: James W. Pryor, Esq., Secretary City Club, New York City; Sylvester Baxter, Esq., *Boston Herald*, Boston; Samuel B. Capen, Esq., President Municipal League, Boston; A. L. Crocker, Esq., President Board of Trade, Minneapolis; Victor Rosewater, Ph. D., *Omaha Bee*, Omaha; Professor John Henry Gray, Chairman Committee on Municipal Affairs, Civic Federation, Chicago; Jerome H. Raymond, Ph. D., University of Wisconsin; F. L. Siddons, Esq., Washington, D. C.; Donald B. MacLaurin, Esq., President Civic Federation, Detroit, Mich.; Professor A. C. Richardson, Buffalo, N. Y.; M. B. May, Esq., Cincinnati, Ohio; W. B. Spencer, Esq., New Orleans; William H. Parry, Esq., Comptroller City of Seattle, Wash.]

AMERICAN CITIES.

The Development of the Street Railway System.

Several recent publications have furnished interesting material tending to show the remarkable development of the street railway system in the United States, but more especially the change from horse and cable to electric motive power. One of the most complete and recent of these compilations appears in the *Street Railway Journal* for July, 1895.* The statistics of different sections of the country give the following data:

	Miles of Track.				Capital Stock.	Funded Debt.	Total Capital Liabilities.
	HORSE.	ELECTRIC.	CABLE.	MISCELLANEOUS			
N. E. States .	168	1,392			\$53,778,300	\$43,546,000	\$97,324,300
Eastern States	567	3,189	157	189	348,194,073	249,318,505	597,512,578
Central States	555	3,578	252	134	222,641,025	173,567,500	396,208,525
Southern States	214	743	6	213	33,155,725	23,578,900	56,734,625
Western States	410	1,461	217	143	90,245,083	62,114,600	152,359,683
United States .	1914	10,363	632	679	748,014,206	552,125,505	1,300,139,711

From these figures it will be seen that at the present time over seventy-five per cent of the street railways of the country have adopted electricity as a motive power. The changes, however, are going on so rapidly that the statistics of a few months later might have increased this percentage materially.

* *Street Railway Journal*. Published by the Street Railway Publishing Company, Havemeyer Building, New York City.

Another remarkable fact which these figures show very clearly is the high capitalization of the roads. The report of the Interstate Commerce Commission shows that the average per mile capitalization of the steam railroads is but \$60,200, about $33\frac{1}{3}$ per cent less than the electric roads which show a capitalization of over \$95,000 per mile. In this respect the different States show very considerable discrepancies. Thus, in the New England States the total capital liabilities, per mile of track, is highest in Rhode Island with \$146,800 and lowest in New Hampshire with \$15,700. In the Eastern States, New York leads with \$207,100 while Delaware is lowest with \$37,200 per mile. In the Central States, the per mile capitalization is highest in Illinois with \$128,500; lowest in Michigan with \$43,100. In the Southern States, Louisiana leads with \$113,400, while the lowest point is reached in Mississippi where the per mile capitalization is but \$10,300. In the Western States, the highest point is reached in California with \$101,100; the lowest is South Dakota with \$12,100. As a result of this high capitalization, there is a wide discrepancy in the relation between total steam railroad mileage and total street railway mileage on the one hand, and between total steam railroad capitalization and total street railway capitalization on the other. As regards the former, a recent compilation shows that with 178,700 miles of steam railway there are but 13,588 miles of street railway. In other words, a relation of nearly fourteen to one. As regards the capitalization, however, the ratio is as \$10,796,473,813 is to \$1,300,139,701, that is, about as eight to one.

New York City.—The approaching elections promise to put the independent reform organizations, but more especially the Good Government Clubs, to a very severe test. The officers to be elected are County Clerk, Register, three Justices of the Supreme Court, two Judges of the Court of General Sessions and three Justices of the newly constituted City Court. For some time past several prominent members of the Executive Committee of the Confederated Good Government Clubs, have been endeavoring to promote sentiment in favor of a union of all the Anti-Tammany forces. In the report of the committee submitted to the nominating convention eleven members favored such a course whereas a minority report signed by nine members advocated the nomination of an independent ticket. After a heated debate the minority proposition was adopted. Thus the Good Government Clubs have definitely broken with all of the existing political parties, standing on the principle that any alliance is certain to introduce a partisan element and thus defeat one of the main ends of the organization. This action has been the subject of

severe criticism by some of the older members of the reform movement, who look upon it as the inconsiderate action of youthful enthusiasts. Immediately after this action was taken by the Good Government Clubs, the Chamber of Commerce, through its Committee of Fifty, determined to confer with the regular Republican organization for the purpose of placing a fusion ticket in the field. After several conferences, a compromise ticket was agreed upon, in which certain concessions were made to partisan considerations. These candidates the Good Government Clubs have refused to accept, so that at present the Anti-Tammany forces are so divided as to make the success of Tammany Hall in the coming election extremely probable. Whatever the outcome of the struggle may be, the Good Government Clubs will have the satisfaction of maintaining and strictly adhering to the principle of non-partisanship, which is the fundamental plank in their platform. The candidates they have placed in the field are recognized as meeting the highest standards of qualification. The same can hardly be said for the fusion ticket.

Philadelphia.—On the first of October, the consolidation of nearly ninety-five per cent of all the street railway lines of Philadelphia was effected. From that date the three great companies, controlling about 420 out of a total of 470 miles of street railway, are united under the name of the Union Traction Company. This process of consolidation has been going on with great rapidity since 1883. The incorporation of the three important companies—Philadelphia Traction Company, Electric Traction Company and Peoples' Traction Company—marked a new era in the history of the street railway system of Philadelphia. With almost unlimited capital at their disposal, these companies were enabled to effect rapid changes in the equipment of the roads, and also great improvements in the service. While the new arrangement practically amounts to consolidation, the actual process has been first a consolidation of the Electric Traction and the Peoples' Traction under the name of the Union Traction Company, which latter company has leased the Philadelphia Traction Company's lines for a period of 999 years. This lease, which was signed on the 7th of October, provides that all the lines formerly leased to the Philadelphia Traction Company are now to be placed under the control of the new company. For this, the Union Traction Company agrees to pay an annual rental of \$1,600,000 in gold coin, and, furthermore, to assume all contracts and pay all debts, with the exception of the bonded indebtedness of over \$1,000,000, which is to be gradually liquidated by the Philadelphia Traction Company; in return for which this company is to receive the collateral securities deposited to insure the

payment of this debt. The new company whose capital stock, mileage and rolling stock are far greater than any other company in the United States, will have an opportunity to greatly extend the single-fare transfer system and also to extend the lines. But the vast corporate powers thus formed will call for a far greater control over the companies by Councils and the Department of Public Works than has heretofore been the case. In this respect the past experience of the city does not enter as the most encouraging element.

Various ordinances recently introduced into Councils give evidences of a tendency on the part of a section of that body to require some adequate return for franchises granted. The most recent of these is a public telephone ordinance, which, if passed, will assure to the city an efficient service, at such rates as to bring this convenience within the possibilities of a large portion of the population. The ordinance calls for the sale of the privilege to construct, maintain and operate a telephone system, requires the company to specify what percentage of gross receipts they will agree to pay, and also the rates to be charged the public for the service. The ordinance furthermore provides for a free service to be maintained in all of the city's public buildings, and places a suitable safeguard to protect the city from financial losses through an adequate capitalization.

The street railway companies, which, during the year 1894, have laid over 131 miles of improved pavements, have recently entered a protest against the destruction of the asphalted streets through excavations made by telephone and telegraph companies, as well as by various city departments. In this movement, the Philadelphia Traction Company has taken the lead. In a communication of the president, to the Mayor of the city, Mr. Widener threatens to disclaim all responsibility for the condition of the streets, unless all persons and corporations who are permitted to open the streets be also required to thoroughly repave them from curb to curb. The problem is a serious one inasmuch as a great part of the paving was hurriedly done, leaving but little time for the laying of conduits, water and gas pipes, and for repair of the same.

The Annual Report of the Board of Managers of the Municipal League of Philadelphia has just been published. The work of the year has been especially fruitful in strengthening the central organization, and in increasing the number and importance of the ward associations. Of these latter there are fifteen, an increase of five over the preceding year. The membership of the League has been increased from 2044 to 3693 during the same period.

The municipal campaign of 1895, while not entirely satisfactory to the League in the actual results obtained, still showed that the

organization was rapidly becoming an important factor in local politics. Its candidates for Councilmen all received a considerable number of votes, although very few were elected.

The League has not been confining its activity to campaigning. Throughout the year the attention of the authorities and citizens of Philadelphia has been called to matters of importance requiring immediate action. In this work the League has been very successful, having succeeded in preventing the passage of several ordinances which threatened to do much harm to the city's interests.

Chicago.—Through the efforts of the Civic Federation, ably aided by the City Engineer, there has recently been disclosed a plan of systematic fraud carried on in connection with the city's water works. An investigation of the water supply in the stockyard district, has shown the existence of a large number of water pipes, which, though connected with the mains, were not furnished with meters. In some of the largest establishments, six and twelve-inch pipes furnishing millions of gallons daily, for which the city received nothing in return, were found. It is estimated by the City Engineer that of the fifty million gallons of water pumped every day into this district, by far the greater portion represented an actual loss to the city treasury. Both civil and criminal suits are to be instituted against the offending parties, and not until these come to trial, will the exact nature and extent of the city's loss be ascertained.

San Francisco.*—One question which is being considered by advocates of municipal reform, is whether the movement shall be carried on entirely independent of regular political organizations, and to what extent, and how the object may be better attained by an effort to reform these organizations. Three years ago, a non-partisan organization was effected with a platform which provided for a full municipal ticket. No candidate who endorsed the platform of either political party could receive its nomination. There was some difficulty in securing suitable candidates: First, from the dread of public office: second, because of the hesitation of ambitious members of the evenly balanced parties to break loose from party ties. A measure of success was attained, but some very earnest workers were discouraged by the failure of the voters of the city to rally to their support. Last year a change was made and the non-partisans largely selected their candidates from the regular party ticket. It is now quite generally agreed that it was a mistake, and the probability is, that next year a return will be made to the original plan,

* Communication of I. T. Milliken.

trusting to the educational process which is surely making itself felt. A very suggestive object lesson has been given the city on differences between the business and the spoils system. The street cleaning department had been run under the latter system for many years. Two years ago unpleasant discoveries were accidentally made, the spoils had not been satisfactorily divided and a halt was called. Last year the Merchants' Association, an organization of public-minded citizens, took hold, raised a fund by voluntary subscription, and the result of its work was a revelation to the long-suffering taxpayers. Starting in a season of general business depression, the association employed, at a low rate of wages, men who had families to support but who would have lacked the "influence" to obtain positions under the old system. Since July 1st, the street cleaning has been under the control of the Superintendent of Streets. This official has the confidence of the citizens to a greater extent than any of his predecessors for years past, but, as he was the successful nominee of a political party, and compelled to pay higher wages, the difference in the condition of the streets is already too noticeable.

Cincinnati.*—Cincinnati has severely felt the effects of the currency agitation. The Sinking Fund Trustees of the city of Cincinnati, in the interest of the taxpayers, desired to refund certain outstanding four per cent bonds, by redeeming these with a new issue of gold bonds, which could be floated at 3.65 per cent interest. The trustees sought to act by virtue of Section 2729 (a) (Rev. Stat. Ohio) which authorized the issue of such bonds for the refunding of the bonded debt to an aggregate amount not exceeding twenty-six millions of dollars. An injunction suit was brought immediately, upon the ground that no authority was given to issue a *gold* bond. The injunction was allowed by the Circuit Court,† which decision was affirmed by a divided Supreme Court—though the grounds of the Supreme Court's decision have as yet not been stated. The Circuit Court proceeded upon the theory that a municipal corporation could exercise such powers only as were expressly granted; provided, however, that every municipal corporation may exercise incidental powers essential to the very life of the corporation; and that as the statute did not expressly authorize the issue of gold bonds, and as the power to issue such a gold bond was not essential to the very life of the corporation, the issue must be enjoined as being *ultra vires*. The court also held that as the bonds were to be paid in dollars, a bond payable in "gold" dollars would exclude payment

* Communication of Max B. May.

† City *ex rel. vs.* Anderson, 10 C. C., 267.

in legal tender currency or silver coin and hence would be a limitation in the word "dollars" as used in the statute and therefore unwarranted. The Sinking Fund trustees will undoubtedly appeal to the Legislature which meets in January next, for express authority to issue a gold bond.

Last winter the Cincinnati Municipal Civil Service Reform Association was reorganized. The Hon. Wm. H. Taft, Judge of the United States Circuit Court of Appeals, was elected president. The association gained many new members and will endeavor to procure legislation favorable to civil service reform, similar to that in force at Chicago, New York and Boston. The work of the society is done by the executive board.

The superintendent of the public schools has permitted the opening of one kindergarten class. If the experiment is successful, kindergartens may be made part of the public school system of education.

American Society of Municipal Improvements.

The American Society of Municipal Improvements, which was organized at Buffalo last year, held its second annual convention in Cincinnati, September 11-14. Delegates from all the large municipalities in the country were present. The object of the society is "to disseminate information and experience upon, and to promote the best methods to be employed in the management of municipal departments and in the construction of municipal works."

Any municipality within America is eligible to membership, likewise any engineer, officer or director, who shall have charge or supervision of any public or municipal department and works. The following papers were read:

"Paving Brick," by W. G. Wilkins, City Engineer of Allegheny, Pa.; "Public Water Supplies," by John W. Hill, of Cincinnati; "Street Improvements," by W. B. Holten, of Indianapolis; "The Disposal of Garbage," by Thomas DeVilbins, of Fort Wayne, Ind.; "Street Paving," by Harrison Van Duyne, of Newark, N. J. The most interesting paper was undoubtedly that of Mr. Hill. He insisted upon the fact that if the consumer is to have a safe drinking water, it must come to him in that condition through the public water mains. He likewise attributed the prevalence of typhoid fever in this country to the impure water supply. The death rate from typhoid in 1894, in Cincinnati, was three times that of London, eight times that of Hamburg, ten times that of Vienna, twelve times that of Berlin, and twenty times that of Munich. Mr. Hill said that he had come to the conclusion that by combined sedimen-

tation and multiple-filtration through thick beds of graduated sand, a safe and pure water supply could be obtained.

Mr. G. H. Benzenberg, of Milwaukee, and Mr. D. L. Fulton, of Allegheny, Pa., were chosen president and secretary, respectively, for the ensuing year. Hereafter the society will meet in October, and Chicago was chosen as the next place of meeting. A series of committees are to be appointed each year on the subject of street paving, electric lighting, sewers and sanitation, water works, taxation and assessment, city government and legislation, their duty being to provide for the work to be done in each annual convention in these branches. As this society is composed of those who are engaged in practical administration, much good may be accomplished if the various municipalities act upon the experience of others.

Omaha.*—On September 17, the Supreme Court of Nebraska handed down its decision in the Police Commission case. This decision upholds the constitutionality of the new law passed by the last Legislature changing the constitution of Omaha's Board of Fire and Police Commissioners and sustains the validity of the appointments made under it. The law, to which reference has several times been made, abolishes the old board consisting of the Mayor and four Commissioners appointed by the Governor, and vests the control of the police and fire departments in a new board consisting of three Commissioners, appointed by a State appointing board composed of the Governor, Attorney General, and Commissioner of Public Lands and Buildings. The enactment of the law was a purely political move. In order to deprive the Populist Governor of the patronage of the appointments of two Fire and Police Commissioners, a Republican Legislature, overriding his veto, transferred the appointments to a board in which two Republican State officials form the majority and the Governor a helpless minority.

The contest over the enforcement of this law was sharp and exciting. The members of the old board, who by its provisions were legislated out of office on August 1, contended that the act was unconstitutional and insisted upon continuing in the performance of the duties of their offices until the courts should pass upon their claims. They secured an order, for the city Council to show cause why it should not be enjoined from approving the bonds of the men appointed as their successors, but the majority of the Council defied the order of court and approved the bonds. Next, an injunction was secured to prevent the new appointees from

* Communication of Victor Rosewater, Ph. D.

unlawfully interfering with their work as Police Commissioners. This injunction was after a hearing dissolved although the judge in his opinion affirmed the right of the old board to the peaceable possession of the office until otherwise ordered in a proper judicial proceeding brought to test the title. Finally the case went to the Supreme Court upon a suit in the nature of *quo warranto*. The decision favored the new board, and the old board gracefully retired.

Incidentally the controversy involved a great many minor points of importance. A beginning had been made by the old board at a complete reorganization of the police force by the dismissal of incompetents, agitators and crooks. The first thing the new board did was to reinstate nearly every man removed by its predecessor. The result threatens to bring the police force again prominently into partisan politics and to make it one of the issues in the coming local campaign.

Buffalo.*—An important decision regarding the rights of contractors upon municipal work was rendered by the General Term of the Superior Court of Buffalo during the past summer. The laws of 1870, as amended in 1894, make it a crime for a contractor to employ alien labor in the construction of municipal public works. Under this law an agent of the Barber Asphalt Company was convicted of employing an Italian laborer on a city contract for the paving of a certain avenue. Upon appeal this decision was reversed, holding the statute in question to be unconstitutional and also in violation of the treaty with Italy. The Court says in effect that, while the State may itself contract with an individual upon such terms as it chooses, it cannot dictate the terms of a contract between an individual and one of its municipal corporations "which would be illegal if the contract were made directly with itself."

For some time past negotiations have been pending between the city of Buffalo and the Niagara Falls Electric Power Company. After a number of proposals and counter-proposals, the following provisions have been inserted in the franchise. These have not as yet been definitely accepted by the company. The company must, from time to time, adopt improved methods and appliances, as required by the Board of Public Works, with the approval of city Councils; all wires must be placed underground whenever required by the Board of Public Works; an annual payment of five per cent of the gross receipts is to be made to the City Treasurer, to commence five years after the acceptance of the grant; the franchise is to continue

*Communication of A. C. Richardson.

thirty-six years from the time of its acceptance, but at the end of eighteen years there is to be a readjustment of the percentage paid by the company to the city. The franchise is not transferable or assignable without the consent of the Common Council.

FOREIGN CITIES.

London.—The interest which the London County Council has shown in the condition of the laboring classes ever since its organization in 1889, has again had opportunity to display itself in the new contracts which various tramway companies are about to conclude with the Council. A strong effort is being made to insert provisions both as to the maximum hours of labor and the minimum rate of wages. In order to effect this, the Council is willing to reduce the payments of the companies, and in this way to offset any of the disadvantages which might ensue from a high rental combined with onerous provisions as to the employment of labor. In doing this, London will merely be following in the footsteps of many of the smaller English municipalities, where such clauses have been inserted in contracts with private corporations.

One of the most gigantic municipal schemes with which any modern municipality has as yet had to deal, is the proposition of a new water supply for the metropolitan district of London. The present sources of supply are rapidly becoming inadequate to meet the needs of the enormous population of this district. They will reach their limit with about 300,000,000 gallons per day, whereas the report of the Royal Commission shows that by 1931 a supply of about 415,000,000 gallons per day will be required. For some time past the Engineer of the County Council has been making a careful study of the problem, and in a recent report outlines a scheme to bring the entire supply from Wales by means of two main aqueducts, one to be 150 miles in length, the other 170 miles. The total cost of the new system will be nearly \$200,000,000. According to the evidence of the Royal Commission, as well as the report of Mr. Binnie, the Council will probably be compelled to adopt this system, inasmuch as it will be extremely difficult to obtain a supply of pure water within the immediate vicinity of London. In fact, it seems as if all the larger English cities will ultimately be compelled to derive the greater part of their water supply from the mountainous districts of Wales. The question is becoming further complicated by the fact that the water supply is in the hands of eight private companies, and until their rights have been acquired by the municipality, little if anything

can be done toward the permanent improvement of the water supply. This latter question is at present pending before a committee of the House of Commons.*

A recent report of the London School Board gives some facts as to the remarkable work accomplished by this body. Since its organization in 1871, no less than 397 public schools have been erected and opened, to which, during the present year, nine have been added. As is the case with other departments of the government, attempts have been successfully made to insert in the building contracts for these schools, a clause binding the contractors to pay "the rates of wages mutually agreed upon by the Central Association of Master Builders of London, and the London Building Trade Federation." The School Board has also adopted the union rates for workmen directly employed by it. An important feature of the administration has been the great increase in the number of playgrounds and the opening of these grounds on Saturdays. The board has also been active in the founding of special educational institutions for the blind and the deaf.

*See *ANNALS* for July, 1895, p. 177.